MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING THURSDAY, DECEMBER 5, 2013 7:00 P.M.

City Council Chambers City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 David Whitcomb

Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large William Taylor
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Meg McMullen Reston

Mayor Ellen Polimeni

Vacant Seat: Councilmember Ward 2

Also Present: Acting City Manager Bryan White

Corporation Counsel Michele O. Smith City Clerk-Treasurer Nancy C. Abdallah

Review Core Values: Councilmember-at-Large Terwilliger read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

<u>Public Hearing:</u> Public Hearing on Local Law 2013-002 A Local Law establishing and Imposing Sewer Rents in the City of Canandaigua.

Mayor Polimeni opened the public hearing at 7:02. No one was present to speak at the public hearing.

Mayor Polimeni closed the public hearing at 7:03 PM.

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of November 7, 2013. Councilmember, Ward 4 Wade seconded the motion. *Vote Result: Carried unanimously by voice vote*

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of November 21, 2013. Councilmember, Ward 1 Whitcomb seconded the motion. *Vote Result: Carried unanimously by voice vote*

Recognition of Guests: None

Committee Reports:

<u>Finance:</u> Councilmember-at-Large Terwilliger reported that all meetings in November were budget workshops. The budget will be adopted for the General Fund, Capital Fund, Water Fund, Sewer Fund, Technology Fund, and Cemetery Fund.

 $\underline{\text{PUD}}$ – Councilmember Ward 1 Whitcomb reported that the PUD committee met on December 2^{nd} and discussed the North Shore Project to review changes by the developer as a result of input by the Council and public to the plan.

<u>Watershed Council</u> – Mayor Polimeni reported that the Watershed Council met December 2nd and discussed revisions to the Watershed Management Plan and finalized the 2014 budget. Kevin Olvany will address a future Council Meeting to discuss the changes to the Watershed Management Plan which will have to be approved by the Council.

Resolutions:

Resolution #2013-086:

Councilmember-at-Large Bucci read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

A RESOLUTION AUTHORIZING A CHANGE TO GHD CONSULTING ENGINEERS, LLC'S CONTRACT FOR CONSTRUCTION PHASE SERVICES FOR THE ADVANCED SECONDARY TREATMENT IMPROVEMENTS PROJECT.

WHEREAS, the City of Canandaigua entered into a contract with GHD Consulting Engineers, LLC, for the design, bidding and construction phase services of the recently completed Advanced Secondary Treatment Improvement project at the wastewater treatment plant; and

WHEREAS, the electrical contractor, Connors-Haas, Inc., has failed to complete the project as-built drawings as required in their contract; and

WHEREAS, GHD has agreed to complete this task for the lump sum of \$6,500; and

WHEREAS, there is sufficient retainage being held on the electrical contract to fund this change order to the GHD contract; and

WHEREAS, a change order to the Connors-Haas, Inc.'s contract to deduct this funding and scope of work from their contract will be processed; and

WHEREAS, the City Manager and Director of Public Works recommend GHD's contract be amended to include this work;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract amendment to GHD's contact in the amount of \$6,500 to provide for the completion of the electrical as-built drawings.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-087:

Councilmember-at-Large Terwilliger read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

RESOLUTION #2013-087

A RESOLUTION TO ADOPT THE 2014 BUDGET OF THE CITY OF CANANDAIGUA AND TO APPROPRIATE REVENUES AND EXPENDITURES FOR PURPOSES SPECIFIED IN EACH FUND

WHEREAS, in accordance with Chapter 14 of the City Charter, the City Council of the City of Canandaigua has met and considered the City Manager's proposed budget for the 2014 fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the 2014 budget, a copy of which is on file with the Clerk/Treasurer, is hereby adopted, and that the amounts set forth for each expenditure activity and revenue item be and hereby are appropriated for the purposes specified in each fund.

General Fund

	Adopted Budget
Expenditures	
General Government	\$ 1,705,998
Public Safety	3,566,673
Transportation	1,201,973
Economic Development	229,141
Recreation & Culture	849,897

Home & Community		524,238
Employee Benefits		2,807,128
Debt Service		1,348,697
Interfund Transfer		850,000
Contingency		100,000
Total Expenditures	\$	13,183,745
Revenues		
Property Taxes	\$	4,783,096
Non-Property Taxes		4,651,163
Departmental Income		459,620
Intergovernmental Charges		468,375
Use of Money and Property		41,280
Licenses and Permits		112,300
Fines and Forfeitures		208,425
Sale of Property and Compensation for Loss		-
Miscellaneous		6,150
Interfund Revenues		336,800
State and Federal Aid		1,491,304
Interfund Transfers		290,000
Total Revenue		12,848,513
Appropriated Fund Balance		335,232
Total Revenue and Appropriated Fund Balance	\$	13,183,745
Capital Fund		
•		Adopted
		Budget
Expenditures		
Vehicle/Capital -Fund 150	\$	1,306,835
Total Expenditures	\$	1,306,835
Revenues		
Transfers from Reserves and Special Funds		979,200
Grants and Aid		115,000
CHIPS		212,635
Total Revenue and Appropriated Surplus	\$	1,306,835
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Water Fund

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		Adopted Budget
Expenditures		Duagot
Water Treatment Plant (8320)	\$	832,478
Water Distribution (8340)		494,683
Undistributed Costs		413,415
Interfund Transfers		365,000
Employee Benefits		337,217
Debt Service		501,429
Capital Budget		290,000
Total Expenditures	\$	3,234,222
Revenues		
Water Charges	\$	2,937,642
Charges to Other Gov'ts	Ψ	2,500
Use of Money and Property		11,380
Other Revenue		
		9,700
Transfers from Reserves		273,000
Total Revenue		3,234,222
Appropriated Fund Balance		-
Total Revenue and Appropriated Fund Balance	\$	3,234,222
Sewer Fund		
		Adopted Budget
Expenditures		Zuaget
Sewer Collection (8120)	\$	237,984
Sewage Treatment Plant (8130)		994,148
Undistributed Costs		197,640
Interfund Transfers		548,563
Employee Benefits		280,541
Debt Service		651,390
Capital Budget		647,000
Total Expenditures	\$	3,557,266

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Revenues	<u> </u>	1 404 554
Sewer Use Charges	\$	1,424,554
Charges to Other Gov'ts		730,578
Use of Money and Property		2,500
Other Revenue		1,250
Transfers from Reserves		1,155,112
Total Revenue		3,313,994
Appropriated Fund Balance		243,272
Total Revenue and Appropriated Fund Balance	\$	3,557,266
Technology Fund		
		Adopted
T. W.		Budget
Expenditures		2.500
Personnel Services	\$	3,500
Equipment		51,340
Materials & supplies		500
Contractual Services		77,530
Employee Benefits		652
Employee Benefits-FICA		268
Total Expenditures	\$	133,790
Revenues		
City Tower Rentals	\$	177,396
Interest Income		500
Other		-
Total Revenue		177,896
Appropriated (Surplus)		(44,106)
Total Revenue and Appropriated Surplus	\$	133,790
Cemetery Fund		
¥		Adopted
		Budget
Expenditures		
Total Expenditures	\$	10,000

Revenues		
Interest	100	
Appropriated Fund Balance	 9,900	
Total Revenue and Appropriated Surplus	\$ 10,000	

BE IT FURTHER RESOLVED that the said budget, as adopted by the City Council of the City of Canandaigua, shall be effective for the fiscal year commencing January 1, 2014.

Discussion: Mayor Polimeni gave each Councilmember an opportunity to speak on the budget.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-088:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

A RESOLUTION ESTABLISHING THE 2014 TAX LEVY AMOUNT AND AUTHORIZING THE CLERK/TREASURER TO SPREAD AND COLLECT THE SAME

WHEREAS, the City Council of the City of Canandaigua has adopted the 2014 Budget; and

WHEREAS, said budget calls for a property tax levy of \$4,544,229; and

WHEREAS, said budget also includes a special assessment levy of \$9,000, which is spread and extended upon properties that are within the boundaries of the Parking Lot Assessment District;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that the amount of \$4,544,229 shall constitute a levy of the amount to be raised by taxation in 2014 for the City of Canandaigua, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the current assessment tax roll, and to collect the same; and

BE IT FURTHER RESOLVED, that the amount of \$9,000 shall constitute a levy of the amount to be raised by the Parking Lot Assessment, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in the Parking Lot Assessment District.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-089:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

A RESOLUTION AUTHORIZING COLLECTION OF COUNTY TAXES

BE IT RESOLVED, That the Canandaigua City Clerk/Treasurer is hereby directed to collect from the several persons and corporations named in the Assessment Roll to which this warrant is annexed, the several sums of money mentioned in the column thereof, to wit: the one marked "County Taxes" and set opposite to the name of such persons or corporations respectively, together with your fee thereon, as hereinafter provided; and further

RESOLVED, That upon delivery of said Roll and Warrant, the Clerk/Treasurer shall mail to each taxpayer against whom any tax shall be charged on such roll, at last known post office addresses, a statement of the amount of such tax, designating the Clerk/Treasurer's Office in said City, as the place for receiving payment of the taxes from January 2nd to January 31st, both dates inclusive, from nine o'clock in the morning until four forty-five o'clock in the afternoon, and any person may pay her/his tax at the time and place designated; and further

RESOLVED, That upon all taxes collected after January 31st, 2014 such Clerk/Treasurer shall collect one per centum; and after the expiration of said last day of February, collection of unpaid taxes shall proceed in the manner provided by the Statutes of the State of New York.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-090:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember Ward 1 Whitcomb seconded the motion.

A RESOLUTION APPROVING THE 2014 BUSINESS IMPROVEMENT DISTRICT (BID) BUDGET, ESTABLISHING THE 2014 BID CHARGE LEVY, AND AUTHORIZING THE CLERK/TREASURER TO SPREAD AND COLLECT THE SAME

WHEREAS, the Downtown Business Improvement District (BID) was established by the City Council on July 9, 1992 by Local Law No. 4; and

WHEREAS, the operation of the BID is governed by the provisions set forth in Article 19-A of the General Municipal Law, Section 980j of which requires that the expense incurred in the operation of the district shall be financed in accordance with the district plan upon which the establishment of the district was based, and that the district charge upon benefited real property shall be imposed as provided in the district plan; and that the charge shall be determined, levied, and collected in the same manner and at the same time and by the same officers as the general municipal taxes are levied and collected; and

WHEREAS, the proposed 2014 BID budget will be accepted by the Board of Directors of the Downtown Canandaigua Business Management Association, Inc. at its meeting of December 18, 2013; and

WHEREAS, the BID's 2014 budget, a summary of which is attached hereto, includes an amount not to exceed \$33,491 in anticipated revenue to be generated by the BID charge;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the proposed 2014 BID budget is hereby approved; and

BE IT FURTHER RESOLVED an amount not to exceed \$33,491 shall constitute a levy of the amount to be raised by the district charge, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in the Business Improvement District in accordance with the district plan, and to collect the same.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-091:

Councilmember-at-Large Reston read the following Resolution and moved for its adoption. Councilmember Ward 1 Whitcomb seconded the motion.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH SELECTED OUTSIDE AGENCIES AS APPROVED IN THE 2014 BUDGET

WHEREAS, the organizations, made a part of this resolution, have agreed to administer and provide individual or group programs for the citizens of the Canandaigua area; and

WHEREAS, said programs complement City goals through public safety, promotion of economic development, personal development, and social enrichment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to execute contracts with these organizations as required and in accordance with the amounts appropriated in the 2014 Budget.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-092:

Councilmember Ward 1 Whitcomb read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

A RESOLUTION ADOPTING THE CITY OF CANANDAIGUA FEE SCHEDULE

WHEREAS, in accordance with the Municipal Code of the City of Canandaigua, various fees pertaining to applications, permits, inspections, and services shall be set by resolution of the City Council, and;

WHEREAS, the City Council has reviewed the proposed "City of Canandaigua Fee Schedule" as part of its 2014 budget process;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that:

- Section 1. The "City of Canandaigua Fee Schedule" shall be adopted as attached.
- Section 2. Said fees shall take effect January 1, 2014.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-093:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 1 Whitcomb seconded the motion.

A RESOLUTION ISSUING A PERMIT TO MOOR THE CANANDAIGUA LADY TO THE CITY PIER

WHEREAS, under Municipal Code §287-6 entitled Mooring or Beaching of Boats, the City Council may issue a permit to moor a commercial vessel to the City Pier, and;

WHEREAS, the owners of the Canandaigua Lady have requested permission to moor the boat to the west side of the City Pier until spring, and

WHEREAS, the City Manager has reviewed the request and recommends that City Council grant the request with the following conditions:

- 1) The owner shall provide the City with indemnification against all property and personal injury as well as meet all standard insurance requirements of the City.
- 2) The owner shall pay a fee of \$500 by November 1st of each year the boat is moored.
- 3) The City shall in no way be held responsible for the boat or its contents.

NOW, THEREFORE, BE IT RESOLVED that the Canandaigua City Council does hereby authorize the City Manager to issue a permit to the owners of the Canandaigua Lady to moor to the City Pier from November 1st through April 30th each year as deemed appropriate, upon satisfaction of the City Manager and Corporation Counsel that all three conditions have been satisfied; and

BE IT FURTHER RESOLVED that either party may terminate said agreement upon written notification 30 days prior to the commencement of the boat mooring date of November 1st.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Resolution #2013-094:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember Ward 3 White seconded the motion.

A RESOLUTION ADOPTING THE 2013 REVISION TO THE CITY OF CANANDAIGUA COMPREHENSIVE PLAN

WHEREAS, by resolution of the Canandaigua City Council a Comprehensive Plan Committee was appointed and charged to prepare and recommend a proposed Comprehensive Plan; and

WHEREAS, the Comprehensive Plan Committee completed this charge by:

- 1. Collecting public input through focus groups, surveys, and a public hearing;
- 2. Considering alternatives prepared by consultants;

- 3. Studying statistical data;
- 4. Applying sound planning principles; and

WHEREAS, the Canandaigua City Council has reviewed the recommendations of the Comprehensive Plan Committee, held a public hearing on these recommendations, and completed the State Environmental Quality Review; and

WHEREAS, the City of Canandaigua last adopted a Comprehensive Plan in 2002; and

WHEREAS, pursuant to the decisions of the New York State Court of Appeals a comprehensive plan is not required to be contained in a single document; and

WHEREAS, the New York State Legislature amended §28-a of the General City Law by Chapter 418 of the Laws of 1995, effective July 1, 1995, enabling a municipality, if it so chose, to adopt a comprehensive plan which would constitute the exclusive evidence for determining compliance with the mandate that zoning be in accordance with a comprehensive plan; and

WHEREAS, §2(h) of §28-a of the General City Law provides that"[I]t is the intent of the legislature to encourage, but not to require, the preparation and adoption of a comprehensive plan pursuant to this section"; and

WHEREAS, §10 of the Statute of Local Governments vests in the City the power "to perform comprehensive or other planning work relating to its jurisdiction"; and

WHEREAS, the City Council now desires to enact an amendment to the 2002 Comprehensive Plan, and retain the same legal framework under which the 2002 Comprehensive Plan of the City of Canandaigua was adopted, by adopting the 2013 recommendations of the Comprehensive Plan Committee as an amendment to the 2002 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council as follows:

- 1. The Comprehensive Plan Committee is hereby commended for its dedicated and comprehensive work on the project.
- 2. The City Council, pursuant to its authority under §10 of the Statute of Local Governments hereby amends the 2002 Comprehensive Plan as adopted by the City of Canandaigua Common Council by replacing it in its entirety with the 2013 Revision, attached hereto and made part of this record.
- 3. The 2013 Comprehensive Plan, as amended hereby, shall be known as "The City of Canandaigua Comprehensive Plan, 2013 Revision".
- 4. The City of Canandaigua Comprehensive Plan, 2013 Revision shall be a statement of goals, principles and standards which the City Council of City of Canandaigua

endorses and promotes, and which shall serve as a guide for the significant decisions and actions of the City Council, City staff, the Planning Commission and the Zoning Board of Appeals affecting the immediate and long-range protection, enhancement, growth and development of the City of Canandaigua.

5. All references in the City of Canandaigua's Municipal Code to the terms "Master Plan" or "Comprehensive Plan" shall mean "The City of Canandaigua Comprehensive Plan, 2013 Revision", as amended hereby.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

Ordinances:

Ordinance #2013-009: (Introduced and tabled at the September 5th Council meeting)
Councilmember-at-Large Terwilliger read the following Ordinance and placed it on the table.

AN ORDINANCE CREATING CHAPTER 560 OF THE MUNICIPAL CODE, "RENTAL REGISTRATION HOUSING LAW"

This ordinance remains on the table.

Local Law:

Local Law #2013-002: (Introduced and tabled at the November 21st Council meeting)

A LOCAL LAW ESTABLISHING AND IMPOSING SEWER RENTS IN THE CITY OF CANANDAIGUA

Lift from table: Councilmember-at-Large Taylor moved to lift Local Law 2013-002 from the table. Councilmember-at-Large Reston seconded the motion.

Vote Result: Carried unanimously by voice vote

Adoption: Councilmember-at-Large Taylor moved for the adoption of Local Law 2013-002. Councilmember-at-Large Bucci seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni. **NOES**: None

<u>Bills:</u> Councilmember-at-Large Terwilliger reviewed the bills paid for November.

Manager's Report: No Report

Executive Session:

Councilmember Ward 1 Whitcomb moved to close the regular meeting to go into Executive Session at 7:54 PM to discuss the employment history of a particular person and pending litigation. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote

Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 8:09 PM. Councilmember-at-Large Reston seconded the motion.

Vote Result: Carried unanimously by voice vote.

Regular Session:

Councilmember-at-Large Taylor moved to adjourn the regular session at 8:29 PM. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah City Clerk-Treasure